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## CORPORATE HEADQUARTERS PATENT LAW DEPARTMENT

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## FACSIMILE TRANSMISSION COVER SHEET

TO: Examiner D.J. Isabella

COMPANY: USPTO

FACSIMILE NUMBER: 571-273-8300

FROM: Brian S. Tomko

TELEPHONE NO.: 732-524-2823

DATE: December 13, 2005

**FACSIMILE NUMBER: 732-524-5575** 

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 20

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### COMMENTS:

Docket No.: HRT0293 Application No.: 10/099,690

FOLLOWING HAS BEEN RECEIVED IN THE U.S. PAT Oath of Declaration Assignment Response Fee Transmittal Charge to Deposit Account 10-0750 Amendment Extension of time Issue Fee Transmittal PCT Filing	OFFICE ON THE DATES STAMPED HEREON:  Drawingssheets  MPEP 609/
IDS-Form 1449	TT/1T/03 gud 1T/52/03

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILIGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE SOLELY TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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Docket No. HRT0293

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

John H. Stevens, et al.

Application No.:

10/099,690

Group No.:

3738

Filed:

March 15, 2002

Examiner:

D.J. Isabella

For:

Method and Apparatus for Thoracoscopic Intracardiac Procedures

CERTIFICATION UNDER (37 C.F.R. § 1.8(A)

I hereby certify that, on the date shown below, this correspondence is being:

Melling

Facsimile

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Transmitted by facsimile to the Patent and Trademark Office.

Date:

Signature: /Brian S. Tomkor Brian S. Tomko, Reg. No. 41,349

Assistant Commissioner for Patents Washington, D.C. 20231

### REQUEST FOR COPIES OF COMPLETED FORM PTO-1449

- The Notice of Allowability mailed on September 20, 2005 has been received.
- Applicants have not received copies of Information Disclosure Statements (PTO-1449), mailed on or about 5 March 2004, 11 November 2003 and 25 November 2003 that indicate that the Examiner considered them. Applicants attach a copy of each of the IDS's referenced to above.
- it is respectfully requested that a copy of the completed Form PTO-1449 be furnished to the undersigned.

/Brian S. Tomko/ Brian S. Tomko Reg. No. 41,349

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Tel: (732) 524-1239
Date: December 13, 2005
Customer No. 000027777

Dec 13 2005 4:50

P. 03

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Docket No. HRT-293

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 13 2005

Applicants : Stevens et al.

Serial No. : 10/099,690

Art Unit: 3738

Filed

: March 15, 2002

Examiner: D. Isabella

For

: METHOD AND APPARATUS FOR THORASCOPIC PROCEDURES

I hereby certify that this correspondence is being deposited with the United States Posts! Service as first class mail in an envelope addressed to: Commissioner for Patents, Fig. Box 1450, Alexandria, VA 22313-1450 on

		(Data de Opposit)	
03/09/2004 HLE333 01 FC21806	00000025 100750 180.00 DA	31307	MAR 1 1 2004 TECHNOLOGY CENTER R3700
		(Date of Signature)	

7/0/-

Commissioner for Patents P.O. Box 1450 Washington, D.C. 20231

### FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on November 25, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

P. 04

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

	In ac	cordance with \$1.129(a), this Information
Disclosure	Stat	ement is being filed in connection with [] the
first or [	]seco	nd After Final Submission, therefore:
		Statement in Accordance with \$1.97(e) (attached); or
		Please charge Deposit Account No. 10-
		0750/ / the fee of <u>\$180.00</u> as set forth in
		<b>§</b> 1.17(p).
	In ac	cordance with \$1.97(c), this Information
Disclosure	State	ement is being filed after the period set forth in
\$1.97(b) al	bove 1	out before the mailing date of either a Final
Action und	e <b>r §</b> 1.	113 or a Notice of Allowance under \$1.311, or an
action that	t othe	erwise closes prosecution and that it is
accompanie	d by o	one of:
		Statement in Accordance with §1.97(e) (attached);
		or
	$\boxtimes$	Please charge Deposit Account No. 10-
		0750/HRT293/BST the fee of \$180.00 as set forth in
		§1.17(p).

JOHNSON

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In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of §180.00 as set forth in §1.17(p).
Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
Copies of references listed on the attached Form PTO- 1449 are enclosed herewith EXCEPT THAT:
In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).
There are no listed references which are not in the English language.

	$\boxtimes$	The	relev	ance	of	those	listed	referenc	es	which	are	not
in t	he Eng	lish	lang	uage	is	as fol	lows:	Japanese	Pat	ents	58-	
1463	39, 50	-1033	199, a	and 3	-19	8829,	corresp	ond to US	Pa	atent :	Nos.	
4,52	9,397,	3,89	90,96	9 and	4,	972,82	7 respe	ctively,	as	liste	d on	the
atta	ched F	orm 1	1449.									

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT-293/BST. This form is submitted in triplicate.

Respectfully submitted,

Brian S. Tomko Reg. No. 41,349

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-1239 DATED:

Marh 3/2004

Dec 13 2005 4:51

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

a conscion of information mysts if disblaks	I valid UMB control number.
Application Number	10/099,690
Filing Date	March 15, 2002
First Named Inventor	Stevens
Group Art Unit	3738
Examiner Name	D. Isabella
Attorney Docket Number	HRT-293
	i e

		U.S. Patent Occur	nent			
Examiner Initials	Cite No.1	Number	Kind Code <sup>2</sup> (If known)	Name of Patantee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		4,529,397		Hennemuth	07-18-1985	
		3,890,969		Fischel	08-24-1975	
		4,972,827		Kishi	11-27-1990	
		1,127,325		Vaudain	02-02-1915	
		4,702,250		Ovil	10-27-1987	RECEIVE
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		Foreign	Patent Document		Date of Publication of Cited Document	Pages, Columns, Lines, where relevant	T
Examinor Initials	Cits No.1	Office <sup>3</sup> Number <sup>4</sup> KindCode <sup>5</sup>		Name of Patentee or Applicant of Cited Document	mm-dd-yyyy	passages or relevant figures appear	70
		WO	92 21293	Origin Medayetems, Inc.	12-10-1992		
		JP	58-148339	Sartorius GMBH	08-31-1983		
		JP	50-103199	Bexter Laboratories inc.	08-14-1975		
		JP	3-198829	Full Photo Optical Co. Ltd.	08-30-1991		

Pure Very		
Examiner	Date	
Signature		
Signature	Considered (	
*EXAMINER: Initial if reference considered whether or not exclaim is in ex-ference	- Deligiocico	
EARMINITY INTELL IT REFERENCE CONTINUES INDOORS OF BOX 600 to a confirmation in	de server and n n n	

1 Unique citation designation number, a Seo attached Kinds of U.S. Patent Documents, a Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3), a For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the sensitivumber of the patent document, a Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible, a Applicant is to place a check mark here if English language Transfation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief information Officer, U. S. Potent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Petents, P.O. Box 1450, Alexandria, VA 22313-1450

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not caption is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Docket No. HRT-0293

P.08

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DEC 13 2005



UNITED STATES PATENT

Applicants : Stevens et al.

Serial No.: 10/099,690

Art Unit: 3738

Filed

: March 15, 2002

Examiner: D. Isabella

For

: Method and Apparatus for Thoracoscopic Procedures

I hereby certify that this correspondence is being deposited with the United States PostsI Service as first class mail is an envelope addressed to: Commissioner For Patents, Maddington, D.C. 20231 on

November 25, 2003 (Date of Deposit) Brian S. Tomko
Assignas, or Registered Representative) (MADO OF ACULICANE. SECTIALUES . March 15, 2002 (Date of Signature) TECHNOLOGY CENTER A3700

Commissioner for Patents Washington, D.C. 20231 .

#### INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the aboveidentified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

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In accordance with §1.129(a), this Information
Disclosure Statement is being filed in connection with [ ] the
first or Second After Final Submission, therefore:
Statement in Accordance with §1.97(e)
(attached); or
Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

In accordance with \$1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in \$1.97(b) above but before the mailing date of either a Final
Action under \$1.113 or a Notice of Allowance under \$1.311, or
an action that otherwise closes prosecution and that it is
accompanied by one of:

Statement in Accordance with \$1.97(e)
(attached); or

	Please charge Deposit Account No. 10-
	0750/ / the fee of \$180.00 as set forth
	in §1.17(p).
	In accordance with §1.97(d), this Information
Disclosure	Statement is being filed after the mailing date of
either a F	inal Action under §1.113 or a Notice of Allowance
under §1.3	311 but before the payment of the Issue Fee.
Applicant(s	s) hereby petition(s) for consideration of this
Information	n Disclosure Statement. Included are: Statement in
Accordance	with §1.97(e) as set forth below and the fee of
\$180.00 as	set forth in §1.17(p).
	Copies of each of the references listed on the
attached Fo	orm PTO-1449 are enclosed herewith.
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_	Copies of references listed on the attached Form PTO
1449 are er	nclosed herewith EXCEPT THAT:
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l	In view of the voluminous nature of references
	[list as appropriate], and the likelihood that
	these references are available to the Examiner,
	copies are not enclosed herewith.
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	If any of the foregoing publications are not
	available to the Examiner, Applicant will
	endeavor to supply copies at the Examiner's
	request.
	There are no listed references which are not in the
English lan	ığuage.
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	The relevance of those listed references which are
not in the	English language is as follows:

	Attached	are co	opies o	of se	arch	repor	t(g)	from	n	
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attached	Submission	Under	MPEP	609	D.					

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HT-0293/BST. This form is submitted in triplicate.

Respectfully submitted,

Brian S. Tomko

Reg. No. 41,349

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-1239 DATED: November 25, 2003 ction Act of 1995, no persons are required to respond to

PTO/SB/08A (08-00) Approved for use through 10/31/2002, OMB 0351-0331 U.S. Pelent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

CONFIDER A CARDISTAN OF CARDISTAN	8 ASING COMP COURS: UNITED SA.
Application Number	10/099,690
Filing Date	3/15/02
First Named Inventor	Stevens et al.
Group Art Unit	3738
Examiner Name	D. Isabella
Attorney Docket Number	HRT0293

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner's Initials*	Cito No.1	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T²
		Benussi et al., "A Simple Way to Treat Chronic Atrial Fibrillation During Mitral Valve Surgery: the Epicardial Radiofrequency Approach", Euro J of Cardiothoriacio Surgery 17 (2000) 524-529	
		Cox, James L., "Evolving Applications of the Maze Procedure for Africa Fibrillation", Ann Thorac Surg 1993:55:578-80	
		Melo, Joso et al., "Surgary for Abriel Fibrillation Using Redicfrequency Catheter Ablation: Assessment of Results at One Year, Euro J of Certothoriscic Surgery 15 (1999) 851-853.	
		Smith, Peter et al., "Surgical Treatment of Supraventinuclar Tachyamhyamias", S. Clinica of No. America, Vol., 65, No. 3, June, 1985, pp. 563-570.	
		Suedo, Talijro et al., "Effeacy of a Simple Left Atrial Procedure for Chronic Atrial Fibrillation in Mitral Valve Operationa", Ann Thorac Surg 1995; 83-1070-1076.	
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<sup>&</sup>quot;EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. 5. Patent and Tradomark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

<sup>1</sup> Unique citation designation number, a Applicant is to place a check mark here if English language Translation is attached.

Docket No. HRT0293

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

licants : Stevens et al.

Serial No.: 10/099,690

Art Unit: 3738

Filed

: March 15, 2002

Examiner: D. Isabella

For

: Method and

Apparatus for Thoracoscopic

Intracardiac Procedures

Fax:7325245575

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NOV 1 8 2003 TECHNOLOGY CENTER R3700

Brian S. Tomko (Name of applicant, assignee, or Registered Representative)

November 11, 2003

(Signature) November 11, 2003

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### INFORMATION DISCLOSURE STATEMENT

Dear Sir:

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P. 14

information may not be enabling for the teachings purportedly offered.

Fax:7325245575

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In accordance with \$1.129(a), this Information
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(attached); or
Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in \$1.97(b) above but before the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

<pre>Statement in Accordance with §1.97(e)</pre>
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○ Copies of each of the references listed on the
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attached Form PTO-1449 are enclosed herewith.
Copies of references listed on the attached Form PTO
1449 are enclosed herewith EXCEPT THAT:
In view of the voluminous nature of references
[list as appropriate], and the likelihood that
these references are available to the Examiner,
copies are not enclosed herewith.
copies dat not onbibble neithich,
If any of the foregoing publications are not
available to the Examiner, Applicant will
endeavor to supply copies at the Examiner's
request.
Copies of only foreign patent documents and non-
patent literature are enclosed in accordance with 37 CFR 1.98
(a) (2). (The U.S. patents and each U.S. patent application
publication listed on the attached Form PTO-1449 are not
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enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

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	Attach	ned are	copies	of search :	report	(s) f	rom		
correspo	onding pa	tent a	pplicati	ion(s), which	ch are	list	ed o	n t	he
attached	d Submiss	sion Und	ier MPE	609 D.					

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Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT0293/BST. This form is submitted in triplicate.

Respectfully submitted,

Brian S. Tomko

Reg. No. 41,349

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-1239 DATED: November 11, 2003

## REUEIVE NOV 1 8 2003

## TECHNOLOGY CENTER R3700

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# NFORMATION DISCLOSURE

Sheet 1 of 1

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Application Number	10/089,690
Filing Date	3/15/02
First Named Inventor	John H. Stevens
Group Art Unit	3738
Examiner Name	D. Isabella
Attorney Docket Number	HRT-0293

				U.S. PATENT DOCUMENTS		
		U.S. Patent Doo	ument			
Examiner Initials	Cite No.'	Number	Kind Cade <sup>x</sup> (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pagos, Columns, Lines, where relevant passages or relovant figures appear
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Application Number	10/099,690
Filing Date	3/15/02
First Named Inventor	John H. Stevens
Group Art Unit	3738
Exeminer Name	D. Isabella
Attorney Docket Number	HRT0293

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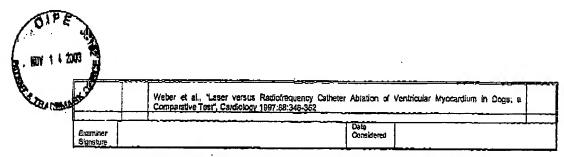


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